

August 26, 2002

Docket Section  
National Highway Traffic Safety Administration  
400 Seventh Street, SW.  
Washington, D.C. 20590

Gentleman:

Ref: Docket No. NHTSA-2002-12231  
RIN 2127-AI46

I would like to submit the following comments on the purposed changes to the Motor Vehicle Theft Prevention Standard as outlined in the Notice of Purposed Rulemaking, published in the Federal Register (Volume 67, Number 123, pages 43075-43087, June 26, 2002).

#### **Effective Date**

The effective date should be changed from September 1, 2005 to model year 2006. Since manufacturers start production of vehicles prior to September 1 of each year, it is important that all vehicles produced for the model year 2006 be marked with component parts marking.

#### **Vehicle Markings**

Component parts markings deter motor vehicle theft. They are a valuable tool for law enforcement in the recovery of stolen property, prosecution of persons involved in chop shops and other vehicle related crimes. Additionally, component part marking provides the general public with the means to detect a vehicle that has been involved in a major collision and rebuilt with salvaged parts.

All vehicles must be marked with component part markings. The current rules need to be expanded to include all vehicles 10,000 pounds GVWR or less, including light duty trucks, multipurpose passenger vehicles and vans. Vehicle theft is not limited to passenger vehicles only. MPV, trucks and vans are routinely stolen for their parts or re-titled with new vehicle identification numbers and sold to innocent victims. By limiting the GVWR to 6,000 pounds or less, the most expensive MPV, trucks and vans that are targeted by thieves will be exempted from component part markings.

### **Eliminate all Anti-Theft (Black Box) Exemption.**

With the expansion of component part markings mandated to begin in MY 2006 for all vehicles. It is unacceptable to continue to allow for previously granted anti-theft (black box) exemptions. Over the past 15 years, approximately 100 exemptions have been granted by NHTSA to manufacturers. Additionally, 20-25% of all vehicle thefts are key-related thefts, including car-jackings, making anti-theft devices ineffective. Anti-theft devices and component part markings compliment each other to prevent vehicle theft, recover stolen vehicles and prosecute those who steal vehicles.

### **Confusion**

When part markings began in 1987, only high theft vehicle lines were required to be marked. Manufacturers could apply and receive up to, two (2) Anti-theft (black box) exemptions per year. Partial exemptions were also issued by NHTSA (Partial exemptions only require the manufacture to mark the engine and transmission of the vehicle). In 1997, multipurpose passenger vehicles and light-duty trucks less than 6000 pounds GVWR was added, exemptions were reduced to one (1) vehicle line per year. Because only high theft vehicle lines were required to be marked, and approximately 100 anti-theft (black box) exemptions have been issued, it has become a nightmare for law enforcement to determine when a vehicle was required to display component part markings. Examples of confusion (1.) The Nissan Maxima was granted a full exemption in 1987 from part markings, this exemption continued until 1994. Beginning with MY 1995, Nissan made changes to the Maxima, the exemption was discontinued and the vehicle was required to display component part markings until 1998. In MY 1999, Nissan was granted another full exemption for the Maxima. Example (2.) From 1987-1990, Mercedes Benz was required to mark a majority of its vehicle lines with component part markings. Since MY 1996, Mercedes Benz has not marked any of its vehicle lines with component part markings. To help solve the confusion and identify which vehicle lines were required to display component part markings, NHTSA began publishing a Parts-Marking Quick Reference Guide for the Law Enforcement Community in 2001. If all vehicles are required to be marked with component part markings, there would be no confusion

### **Prescribe a Voluntary Vehicle Identification Standard.**

49 U.S.C. Section 33107 allows for a Voluntary Vehicle Identification Standard to be prescribed by the Secretary of Transportation. Thousands of vehicles are voluntarily marked with component part markings by their owners or manufacturers yearly. Because the vehicle was not listed in appendix A (Vehicles required to be marked with component part markings), prosecution in Federal Court under 18 U.S.C Section 511 is not allowed.

### **Require R-DOT Markings on all Replacement Parts**

Replacement parts for vehicles covered by the act need to be marked with R-DOT markings to assist law enforcement personnel and consumers in the recognition of salvaged/repaired vehicles. The R-DOT markings will identify the manufacturer of the replacement part and alert the consumer to the fact that a major part on a vehicle has been replaced. Law enforcement personnel will be able to distinguish authorized replacement parts with R-DOT markings from stolen parts that have had the component part markings identification number removed.

### **Expand Parts Marking to all Airbags and Window Glazing.**

The National Insurance Crime Bureau estimates that over 50,000 airbags are stolen annually, resulting in the loss of more than 50 million dollars to vehicle owners. Expanding part markings to airbags and window glazing would assist law enforcement in the recovery and prosecution of persons who steal airbags. Currently, law enforcement is hampered in tracing airbags to determine if they are stolen or in what vehicle they were originally installed.

### **Small Business Exemptions Should Not be Allowed.**

49 C.F.R. 565 requires all vehicles to display a Vehicle Identification Number. 49 C.F.R. 567 requires all vehicles to display a Certification Label. Under the purposed rulemaking changes, the manufacturers are only required to spend \$15.00 per vehicle for component part markings. With current inflation standards, the new cost limit is \$24.68. A majority of the small business manufacturers produce very expensive custom vehicles. Small business manufacturers should not experience any financial difficulties in complying with the expanded requirements of component part markings.

### **Establish Performance Standards**

Several manufacturers are utilizing substandard labels for component part markings that do not comply with established regulations for the removal of labels intact, anti-counterfeiting and footprint detection. Sanctions must be taken against manufacturers who use inferior part markings.

Sincerely,

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